

### REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

#### Claim amendments/Status

In this response claim 1 is further amended in a manner to clarify the subject matter for which patent protection is sought.

Claims 1-10 remain pending in the application.

#### Interview Summary

On August 5, 2009 during a telephonic interview held with Examiner Ralis, the Examiner indicated that the § 102 rejections were overcome by the amendments to the claims, but was of the opinion that Frus et al. (US 5,754,011) reference in combination with either of Prager or Hancock still would render the claimed invention obvious.

The Applicants representative (Keith J. Townsend) submitted that the Frus arrangement was such as to delay the current flow to the switch separately from the closing of the switch *per se*. It was asserted that it would be full expected that the switch in Frus should be closed as quickly as possible to minimize the time that the current needs to be held up, and thus actually teach away from the delay which is desired in the present invention. Irrespective of this the Examiner maintained that Frus was still pertinent.

#### Rejections under 35 USC § 102

- 1) The rejection of claims 1-3 and 5-10 under 35 USC 102(b) as being anticipated by US Patent No. 5,847,367 to Hancock et al. (hereinafter Hancock); and
- 2) The rejection of claims 1, 4, 5 and 10 under 35 USC 102(a) and (e) as being anticipated by US Publication No. 2002/0130123 to Prager, are both respectfully traversed.

As noted above, the amendments that were submitted in the last response, were indicated as overcoming these rejections.

#### Rejections under 35 USC § 103

- 1) The rejection of claims 2, 3 and 6-9 under 35 USC 103(a) as being unpatentable over Prager is respectfully traversed.

As noted above, the disclosure which would be necessary to lead the hypothetical person of ordinary skill in the direction of the claimed subject matter is not to found. Indeed, Prager has but one reference to switching time and that is "analyzing the ON/OFF-switching time pattern of the first power switch" and this is clearly directed to a switching pattern not the "switching time." Attention is called to United States Patent No. 7, 555, 177 to Bahuguna et al. wherein the term switching time is frequently used and used in its correct context.

- 2) The rejection of claims 1-10 under 35 USC 103(a) as being unpatentable over Hancock in view of Frus et al. US Patent No. 5,754,011 to Frus et al (Frus), is respectfully traversed.

In this rejection, Frus is cited to show an arrangement which holds up the flow of current until a switch has had a chance to transition from its non-conductive state to its conductive state. When the switch is closed, current is allowed to flow to the switch.

However, the position that Frus suggest delaying switching time is contrary to the intention of Frus. With Frus the faster the switch transitions, the sooner current can be supplied to the now fully closed switch. Why slow the switch transition? Why make the operation of the overall device even slower? Further, the term "switching time" is not found at all in the Frus reference.

- 3) The rejection of claims 1-10 under 35 USC 103(a) as being unpatentable over Prager (US Publication No. 2002/0130123) in view of Frus et al. (US Patent No. 5,754,011), is respectfully traversed.

This rejection is traversed for the same reason as that dealt with above. The switching time is not modified and in fact the faster the better in that the time that the current need to be dammed up is minimized. Any consideration of slowing the process would not be given. Indeed, the very reverse would be desired in order to avoid slowing the operation of the device.

### Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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